

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF <i>Evans Gali</i>	COURT CASE NUMBER <i>04-1514 JLT</i>
DEFENDANT <i>Louis Pasquale</i>	TYPE OF PROCESS <i>Order for Sale</i>
SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZURE OR CONDEMN
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285	RECEIVED U.S. MARSHAL SERVICE BOSTON, MA APR 29 P 3:19
<i>David S. Smith Commercial Real Estate 103 Cabot St Boston, MA 02115</i>	Number of parties to be served in this case	
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):
Fold

Hold Auction for sale of F/H Barbara Know pursuant to writ + order on 4/22/05 w/ confirmation hearing on 5/3/05.

Signature of Attorney or other Originator requesting service on behalf of: <i>David S. Smith</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <i>978 922 9933</i>	DATE <i>3/29/05</i>
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <i>1</i>	District of Origin No. <i>38</i>	District to Serve No. <i>38</i>	Signature of Authorized USMS Deputy or Clerk <i>Maury Salamea</i>	Date <i>3/29/05</i>
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I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service <i>4/22/05</i>
	Time <i>1:00</i> pm
	Signature of U.S. Marshal or Deputy <i>Ernest M. Walker</i>

Service Fee <i>135.00</i>	Total Mileage Charges (including endeavors) <i>23.72</i>	Forwarding Fee <i>—</i>	Total Charges <i>158.72</i>	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

*1 USM @ 3 hrs. #
65 mi RT #*

(158.72) M

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELVANO GALLI,

Plaintiff,

v.

F/V BARBARA ANN (O.N. 699442)
her engines, boilers, tackle, fishing
permits and appurtenances, *in rem*
and LOUIS PASQUALE, *in personam*,

Defendants.

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Civil Action No. 04-11544-JLT

ORDER FOR INTERLOCUTORY SALE

March 24, 2005

TAURO, J.

Plaintiff's Motion for Interlocutory Sale of Vessel [#17] is ALLOWED, and good reason being shown, this court hereby orders that:

1. The Defendant vessel F/V BARBARA ANN (O.N. 699442) be sold by the United States Marshal at Gloucester no later than April 25, 2005;
2. The Marshal shall advertise the time, date, place, and terms of the sale in a notice to be published in the Boston Herald twice within fourteen (14) days preceding the sale. Any party may publish a similar notice in other newspapers or other media within or outside the district, but such publication shall be at his expense and shall advertise the sale in accordance with the terms of this order;
3. Plaintiff shall give notice of the time, date, and place of the sale to the vessel owner and all mortgagees and lien holders of record with the United States Coast Guard's National Vessel Documentation Center at least fourteen (14) days before

the sale of the vessel;

4. The Marshal shall bring the proceeds of such sale into Court, and deposit the same with the Clerk thereof pending the further hearing of this action upon the claim of the plaintiff, and pending the final judgment herein;
5. The Marshal is hereby authorized to accept bids from Plaintiff on account of its claim as set forth in the Verified Complaint, without payment in cash at the time of sale up to the amount of \$85,000.00;
6. The Marshal is hereby authorized to accept a deposit of twenty five percent of the amount bid for the Defendant F/V BARBARA ANN (O.N. 699442), upon condition that the balance of the bid is paid on the date the sale is confirmed, and upon condition that the deposit shall be forfeited by the bidder and applied to the costs of this action if the balance of the bid is not paid when due;
7. The clerk shall issue a Writ of Venditioni Exponas for this sale to occur; and
8. A hearing will be held on May ³~~7~~, 2005 at 10:00 a.m. to confirm the sale of the vessel. The time and date of the confirmation hearing shall be set forth in the notice of sale to the owner of the vessel, the mortgagees, the lien holders of record, and shall be announced to the public-at-large at the sale.

IT IS SO ORDERED.



[Signature]
United States District Judge

HEREBY ATTEST AND CERTIFY ON 3/29/05
THAT THE FOREGOING DOCUMENT IS A FULL, TRUE
AND CORRECT COPY OF THE ORIGINAL ON FILE
IN MY OFFICE AND IN MY LEGAL CUSTODY.

CLERK, U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BY: *[Signature]*